

1 KING & SPALDING LLP  
2 BRUCE W. BABER (pro hac vice)  
3 bbaber@kslaw.com  
4 1180 Peachtree Street, N.E.  
5 Atlanta, Georgia 30309-3521  
6 Telephone: 404-572-4600  
7 Facsimile: 404-572-5100

8 KING & SPALDING LLP  
9 JOSEPH R. WETZEL - # 238008  
10 jwetzel@kslaw.com  
11 101 Second Street, Suite 2300  
12 San Francisco, California 94105  
13 Telephone: 415-318-1200  
14 Facsimile: 415-318-1300

15 Attorneys for Defendant  
16 GOOGLE INC.

17

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21

22 ORACLE AMERICA, INC.,

23 Case No. 3:10-cv-03561 WHA

24

25 Plaintiffs,

26 v.  
27 **DECLARATION OF RENNY HWANG  
28 IN SUPPORT OF ORACLE'S  
ADMINISTRATIVE MOTION TO SEAL  
RE ORACLE'S OPPOSITION TO  
GOOGLE'S MOTION FOR SANCTIONS  
[ECF NO. 2025]**

29

30 GOOGLE INC.,

31 Defendant.

32 Dept. Courtroom 8, 19<sup>th</sup> Fl.  
33 Judge: Hon. William Alsup

34

35

36

37

38

39

40

41

42

43

44

1           I, RENNY HWANG, declare as follows:

2           1.       I am an attorney employed by Google Inc. (“Google”), where I have served as  
 3 senior litigation counsel for the last six years. My job responsibilities include, but are not limited  
 4 to, supervising our outside counsel in connection with litigation matters (such as this one), as well  
 5 as familiarizing myself with the areas of Google’s businesses and documentation concerning  
 6 those businesses as they relate to litigation matters under my supervision. I submit this  
 7 declaration in support of Oracle’s Administrative Motion to File Under Seal Portions of Oracle’s  
 8 Opposition to Google’s Motion for Sanctions and certain exhibits in support of the opposition  
 9 attached to the Declaration of Annette Hurst (“Hurst Declaration”). *See* ECF Nos. 2025, 2027. I  
 10 have knowledge of the facts set forth herein, and if called upon as a witness, I could testify to  
 11 them competently under oath.

12           2.       I have reviewed Oracle’s Opposition to Google’s Motion for Sanctions  
 13 (“Opposition”) and the exhibits Google designated as Highly Confidential - Attorneys Eyes Only  
 14 that Oracle submitted under seal in support of its Opposition. The following portions of these  
 15 documents contain highly sensitive and confidential third party information:

16                   •       Opposition : 2:7, 8, 9, 13 (partner names).

17                   •       Ex. A: 13:3-4; 13:11-16:8; 18:8-9, 11-12; 18:21-19:7; 266:3, 9, 10-11, 14,  
 18                   17-18, 21-23 (partner names and terms of the agreement); 267:9, 14 (terms of the  
 19                   agreement).

20                   •       Ex. C: 118:4, 24-15 (percentages); 119:12, 19-20 (partner names).

21           The specific information relating to third-party information and agreements that is quoted,  
 22 discussed, and/or summarized in the passages above is subject to stringent confidentiality  
 23 requirements. Indeed, Google places strict limits on who has access to these materials to ensure  
 24 confidentiality is retained. Also, Google does not disclose this information to the public. Public  
 25 disclosure of this information could severely and adversely impact Google’s ability to negotiate,  
 26 among other things, similar terms with other third parties in connection with similar agreements  
 27 now or in the future.

28

1       3.     The Court previously granted Google's request to seal the specific terms of its  
 2 agreements with its partners. *See* April 19, 2016 Tr. 7:15-17; *see also* ECF No. 1541 (Judge  
 3 Ryu's Order granting motion for reconsideration and sealing specific terms of Google's  
 4 agreement with a partner); ECF No. 1436 (Judge Ryu's Order allowing Google to produce  
 5 information regarding search distribution agreements without identifying names of partners).  
 6 Since the Court issued its ruling on April 19, 2016, the material referenced in paragraph 2 has  
 7 remained confidential. None of the information referenced in paragraph 2 is part of the public  
 8 trial record. The material was not shown in Court, used by either party, or considered by the jury  
 9 as part of its deliberations. Oracle did not even attempt to introduce this information as evidence  
 10 during trial.

11       4.     In addition, the following portions of the exhibits filed in support of Oracle's  
 12 Motion contain confidential Android-specific financial information:

13           •     Ex. A: 16:7-23; 18:2-4 (reflects internal Android financial information and  
 14 record keeping).

15       Google does not publicly allocate revenue or profits to Android separate and apart from  
 16 Google's general business. Accordingly, Google considers the non-public financial data quoted,  
 17 discussed, and/or summarized in these exhibits to be highly sensitive, and public disclosure of  
 18 that information could have significant negative effects on Google's business.

19       5.     The information referenced in paragraph 4 is not part of the public trial record.  
 20 The information was not shown in Court, used by either party, or considered by the jury as part of  
 21 its deliberations. Oracle did not even attempt to introduce this information as evidence during  
 22 trial.

23       6.     In compliance with the Court's prior orders and in light of the material that has  
 24 been made public in prior proceedings, Google only seeks to seal the specific narrowly- tailored  
 25 portions of the Opposition and Exhibits A and C identified in paragraphs 2 and 4. Accordingly,  
 26 the above-listed portions of the Opposition and Exhibits A and C containing confidential  
 27 information related to Google's confidential financial statements and sensitive third-party  
 28 information and agreements should therefore be sealed.

1

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct to the best of my knowledge.

4

Executed this 12th day of August, 2016 at Sunnyvale, California.

5

6

By:



RENNY HWANG

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28